

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

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MONICA PERRYMAN
Plaintiff,

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v.

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FIRST UNITED METHODIST CHURCH
AND DARLENE MAYE,
Defendants.

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2007 FEB -5 P 3:42

TERESA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

* Civil Action No.:2:06-cv-216-MET

PERRYMAN'S RESPONSE TO COURT'S ORDER

COMES NOW, the Plaintiff, Monica Perryman, and pursuant to the order of this Honorable Court, and show's why the defendants' motion should be hereby denied and says as follows:

1. Pursuant to the Order of this Honorable Court Mrs. Perryman's responsive brief to the Defendants' Motion for Summary Judgment was due on or before November 20, 2006.
2. Plaintiff's counsel called the chambers of the Honorable M. Thompson and spoke with staff inquiring about the likelihood of an extension and Defendant's counsel Mr. Garrett, who at that time consented to said motion.
3. Plaintiff's counsel only filed said motion after conferring with the court's staff and defense counsel. The reason for said motion, which plaintiff counsel did not state succinctly assuming he had contacted the necessary parties that Plaintiff's counsel was overburden by his workload as a solo practitioner and a medical matter involving a family member.
4. Plaintiff's counsel avers that he did not receive notice of this Court's denial of said extension and is not subject to e-noticing pursuant to the Order of this District.
5. Sometime around January 2007 Plaintiff's counsel was contacted by staff of this Honorable Court about certain contentions in the Defendant's Motion for Summary Judgment and whether or not

plaintiff had relinquished all of her Title VII claims. It was at this time that the Plaintiff's counsel responded to the Defendant's Motion for Summary Judgment.


6. On January 15, 2007 (6) days later the defendant's filed a Motion to Strike plaintiff's response. Procedurally the defendants are not entitle to use the method as employed to strike the responsive pleading of the plaintiff and the same is untimely. Further, the defendants' agreed to said extension of time to allow plaintiff to respond.

7. As it relates to defendants' oral assertions on January 29, 2007 that plaintiff counsel failed to participate in a drafting of a proposed pretrial order and to appear, said is false.

8. On or about Thursday January 25, 2007 plaintiff's counsel received a letter and a partially completed pretrial order. On Friday January 26, plaintiff's counsel was contacted by Mr. Garrett's staff to schedule a telephone conference, it was agreed that said would take place at 4:00 p.m. that day. Defendants' did not call as promised nor inform plaintiff's counsel , it was only after 4:00 p.m. that counsel for the Plaintiff learned after calling them that Mr. Garrett was not available and counsel was not informed of any alternative times.

9. On January 29, 2007 and for two days thereafter Plaintiff's counsel was in a criminal trial in Montgomery, County Alabama. (See Exhibit A)

WHEREFORE, PREMISES, CONSIDERED, Plaintiff , humbly prays that said motion to strike be denied or in the alternative that said response be allowed to be admitted out of time.




Norman Hurst, Jr., (HUR016)
Attorney for the Plaintiff
462-A Sayre Street
Montgomery, Alabama 36104
(334)269-6449

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing response was served on the following by mailing copies of same by United States First Class Mail in a properly addressed envelope with adequate postage affixed thereon to assure delivery, addressed as follows:

Honorable Brett Garrett
184 Commerce Street
Montgomery, Alabama 36101

This 5th day of February, 2007



Norman Hurst Jr.

IN THE CIRCUIT COURT
OF MONTGOMERY COUNTY ALABAMA

STATE OF ALABAMA

vs.

CC-2005-5113

JIM PEERA

ORDER

This cause having come before the Court it is hereby:
ORDERED ADJUGED AND DECREED that the trial scheduled on the
10/27/2006 at 9:00AM in Courtroom 4A of the Montgomery County Courthouse
has been continued to 01-18-2006 for Status and 01-29-2007 for Trial.

Done 10/26/2006

/s/ Judge Johnny Hardwick
CIRCUIT JUDGE

CC: City Attorney
Attorney Norman Hurst